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PATENT

2004 DEC 23 PM 3:12

Attorney Docket No.: 678-346 (P8874)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: CHO, Dong-Ho et al.

GROUP ART UNIT: 2684

SERIAL NO.: 09/383,802

EXAMINER: CORSARO, Nick

FILED: August 26, 1999

DATED: December 16, 2004

FOR: **DEVICE AND METHOD FOR COMMUNICATING PACKET
VOICE DATA IN MOBILE COMMUNICATION SYSTEM**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section
Accounting Division
Office of Finance

REQUEST FOR REFUND

Sir:

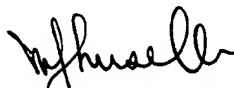
I. REFUND REQUEST

This is a request for a refund with respect to a payment for a Notice of Appeal and third month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth immediately below.

Dated: December 16, 2004



Michael J. Musella

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

AMOUNT OF REFUND REQUESTED

<input type="checkbox"/>	filing fee	
<input type="checkbox"/>	surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e) and/or	
<input type="checkbox"/>	surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)	
<input type="checkbox"/>	extension of term	
<input type="checkbox"/>	first month	
<input type="checkbox"/>	second month	
<input checked="" type="checkbox"/>	third month	\$ 550.00
<input type="checkbox"/>	fourth month	
<input type="checkbox"/>	excess claims	
<input type="checkbox"/>	issue fee	
<input type="checkbox"/>	petition fee	
<input type="checkbox"/>	patent maintenance fee	
<input type="checkbox"/>	first maintenance fee	
<input type="checkbox"/>	second maintenance fee	
<input type="checkbox"/>	third maintenance fee	
<input type="checkbox"/>	patent maintenance fee surcharge	
<input checked="" type="checkbox"/>	other Notice of Appeal	\$ 340.00
	TOTAL REFUND REQUESTED	\$ 890.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

An Office Action marked "Final" by the Examiner was mailed on April 23, 2004. On July 22, 2004 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on July 26, 2004 as evidenced by the return postcard attached hereto. On September 22, 2004 an interview was conducted with the Examiner regarding the status of the application during which the Examiner stated that the file was in the imaging department. On October 22, 2004 the undersigned checked the private PAIR system and determined that the case was still in the imaging department as evidenced by the PAIR system printout attached hereto. On October 25, 2004 a Notice of Appeal was filed with a Petition for Extension of Time of three months, along with the required fees. A Notice of Allowance was mailed November 16, 2004

It is respectfully submitted that if not for the delay of the Patent Office, the fees associated with the Notice of Appeal of \$340.00 and Third Month Extension of Time of \$550.00 would not have been incurred by the applicant.

Since the Response to the "Final" Office Action was received at the Office on July 26, 2004, an Office Communication should have been issued by August 26, 2004. The delay of more than two months, i.e. August 26, 2004 to November 16, 2004, was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the Notice of Appeal fee of \$330.00 and three months extension of time, namely \$550.00.

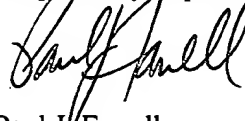
Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the Notice of Appeal fee and third month extension of time for a total of \$880.00 was required.

IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Deposit Account No. 04-1121.
☐ refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: December 16, 2004

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)
PJF/MJM/dr



\$# AF

PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 678-346	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>October 25, 2004</u> .		In re Application of CHO, Dong-Ho et al.	
		Application Number 09/383,802	
Signature <u>[Signature]</u> Typed or printed name Michael J. Musella		Filed August 26, 1999	
		For DEVICE AND METHOD FOR COMMUNICATING PACKET VOICE DATA...	
		Group Art Unit 2684	Examiner Corsaro, Nick

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 340.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-1121. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

[Signature]
Signature
Paul J. Farrell
Typed or printed name
10/25/2004
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/28/2004 AWONDAF1 00000063 09383802

11 FC:1401

340.00 GP

Adjustment date: 01/31/2005 SDIRETA1
10/28/2004 AWONDAF1 00000063 09383802
01 FC:1401 -340.00 GP

Repln. Ref: 01/31/2005 SDIRETA1 0010501800
DAH:041121 Name/Number:09383802 \$340.00 CR
FC: 9204



PTO/SB/22 (08-03)

Approved for use through 7/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

678-346

In re Application of

CHO, Dong-Ho et al.

Application Number

09/383,802

Filed

8/26/1999

For DEVICE AND METHOD FOR COMMUNICATING PACKET
VOICE DATA IN MOBILE COMMUNICATION SYSTEM

Group Art Unit

2684

Examiner

Corsaro, Nick

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are \$ (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1))
☐ Two months (37 CFR 1.17(a)(2))
☒ Three months (37 CFR 1.17(a)(3))
☐ Four months (37 CFR 1.17(a)(4))
☐ Five months (37 CFR 1.17(a)(5))

OCT 28 2004

Technology Center 2600

\$ 110.00

\$ 430.00

\$ 980.00

\$ 1,530.00

\$ 2,080.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1121.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) .

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 25, 2004

Date

Signature

Paul J. Farrell

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of forms are submitted.

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Dated: October 25, 2004

Michael J. Musella

01/31/2005 SDIRETA1 00000064 09383802

01 FC:1253 439.00 CP

10/28/2004 AWONDAF1 00000064 09383802

01 FC:1253 980.00 CP

Adjustment date: 01/31/2005 SDIRETA1

10/28/2004 AWONDAF1 00000064 09383802

01 FC:1253 -980.00 CP

Rep'n. Ref: 01/31/2005 SDIRETA1 0010514100
DASH:041121 Name/Number:09383802
FC: 9204 \$550.00 CR